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Committee on the Elimination of Discrimination against Women
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Summary record of the 1253rd meeting
Held at the Palais des Nations, Geneva, on Friday, 24 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of Ghana

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ghana (CEDAW/C/GHA/6-7; CEDAW/C/GHA/Q/6-7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Ghana took places at the Committee table.*

2. **Ms. Lithur** (Ghana), introducing the combined sixth and seventh periodic reports of Ghana (CEDAW/C/GHA/6-7), said that Ghana was a multi-ethnic, multilingual and multi-faith country with a culture in which women traditionally played a prominent role. The nation's founding father, Kofi Kwame Nkrumah, had been the first African president to introduce an affirmative action policy; the Constitution prohibited discrimination and prejudice on grounds including gender; and the medium-term development policy framework, the Ghana Shared Growth and Development Agenda, included strategic guidelines for expanding women's role in various economic sectors, including agriculture, energy, oil and gas.

3. Women's representation in public office had reached record high levels, with women accounting for around a quarter of ministers and deputy ministers in the current administration and holding leadership positions in the Commission on Human Rights and Administrative Justice, the National Commission for Civic Education and the Ghana Prisons Service, inter alia, while the National and Regional Houses of Chiefs had begun the process of integrating queen mothers, traditional community leaders, into both Houses. However, despite those strong foundations, the State party recognized the need for further targeted legislative and policy measures to address the persistent inequalities between men and women.

4. With that aim in mind, the mandate of the Ministry of Gender, Children and Social Protection, formed from the 2013 merger of the Ministry of Women and Children's Affairs with three welfare agencies, had been expanded. Since its establishment, the new Ministry had submitted bills on spousal property and succession, drafted legislative instruments to facilitate implementation of the laws on domestic violence and trafficking in human beings, overseen consultations on the affirmative action bill, introduced gender-responsive budgeting in all ministries, departments and agencies and embarked on a review of national gender policy and a drive to mainstream gender in all policies and budgets.

5. In spite of its expanded structure and mandate, the Ministry's budget allocation remained less than 1 per cent of the total national budget. Therefore, in a bid to maximize its limited resources, it had also begun a restructuring exercise to develop a new organizational and performance management framework and had adopted an agenda for change and a five-year strategic development plan that should enhance staff performance and output.

6. Women in Ghana faced persistent challenges in many areas, including access to justice, where legal costs were a particular obstacle. Community mediation centres, an alternative to costly adversarial court processes, had therefore been introduced to handle civil issues such as tenancy, employment disputes and child custody arrangements, and legal aid was available for women unable to pay legal fees through the Ghana Legal Aid Scheme public service organization and a number of NGOs.

7. Women were particularly adversely affected by stereotyping and harmful traditional practices, including female genital mutilation, widowhood rites, forced marriages and ritual servitude, which the Government addressed through vigorous campaigning as well as

legislation. The maltreatment of women accused of witchcraft was an especially complex problem as it touched on issues of mental health and domestic violence, inter alia, and required an integrated, long-term, multisectoral response. With support from Action Aid and the Presbyterian Church, the Ministry of Gender, Children and Social Protection was working to develop that response, endeavouring to improve living conditions in the camps in which women accused of witchcraft were forced to seek refuge, while seeking ways to reintegrate them into their home villages and, ultimately, allow for the camps' definitive closure.

8. Domestic violence and trafficking were also critical areas of concern. To support the legislative efforts in those areas, the Government had established domestic violence and victim support units within the national police service, appointed a team of consultants to carry out research into the prevalence, nature and causes of domestic violence in Ghana and established a dedicated anti-trafficking body within the Ministry of Gender, Children and Social Protection. The body was tasked with identifying strategic priorities and obstacles to implementation of the relevant legal provisions such as ineffective cooperation and insufficient human and financial resources. Girls were at particular risk of trafficking, with victims often being forced into domestic servitude, work as head porters (*kayayei*), street hawking and prostitution.

9. The gender gap in school enrolment had narrowed in recent years, although literacy rates remained lower among women than among men. Women were making inroads in higher education but were still outnumbered by approximately two to one. Scholarships were increasingly available to help keep girls in education and the World Food Programme was providing take-home food rations to schoolgirls in food-insecure regions as an incentive to stay in school.

10. In the field of health care, the authorities were achieving steady reductions in maternal and neonatal mortality and had embarked on an aggressive plan to improve community-based facilities. The Government had adopted an Ebola prevention and response programme and was working with the United Nations Mission for Ebola Emergency Response (UNMEER) to strengthen the nation's preparedness. Mindful of women's role as primary caregivers and the main point of contact for patients, it was focusing those efforts on women.

11. Aware that inadequate data-collection and analysis systems were a major obstacle to the State party's further advancement in fulfilling its implementation and reporting obligations under the Convention, the Ministry of Gender, Children and Social Protection was working to establish a management information system that would provide the gender-disaggregated data essential to policy development, programming and decision-making. It was also working to create a database of microfinance institutions and women's groups and a national household registry system that would help to optimize the distribution of social welfare benefits. The Government of Ghana acknowledged the many challenges that it faced and welcomed the opportunity to learn from the Committee and identify strategies for accelerating its progress towards the elimination of discrimination against women.

Articles 1 to 6

12. **Ms. Patten** asked whether the 2014 constitutional amendment bill included a revision of the current definition of discrimination to bring it into line with article 1 of the Convention, as recommended by the Committee; on what basis, assuming no such revision was envisaged, had the Constitutional Review Commission chosen not to comply with the Committee's recommendation, given that it was supported by the Ministry of Gender, Children and Social Protection as well as by civil society organizations; whether a definition of discrimination in line with the Convention had been included in the affirmative action bill; whether that bill was in fact a revamped version of the gender

equality bill detailed in the State party's previous periodic report (CEDAW/C/GHA/5); and, if so, whether the bill might be retitled the gender equality and affirmative action bill.

13. She invited the delegation to clarify the time frame for adoption of the bills on spousal property and succession and whether legislative instruments would be needed to facilitate their implementation once passed, noting with concern that the absence of such instruments had delayed application of the new laws on domestic violence and trafficking in human beings. She sought clarification on the drafting and adoption procedure for legislative instruments and whether the instruments needed to support particularly important areas of legislation, such disability and mental health, were fast-tracked.

14. Information about consultation and cooperation between the central Government and the National and Regional Houses of Chiefs would be useful, particularly with regard to the harmonization of customary law with international laws and treaties and the contribution of queen mothers to the elimination of harmful traditional practices. Details of any Government measures planned to complement NGO initiatives to improve women's access to justice would also be appreciated. In particular, she would like to know: whether legal aid would become more widely available; the current status of the e-justice project; whether women in remote rural areas had access to the Commission on Human Rights and Administrative Justice; and, if so, whether data showing the number of complaints received from such women were available.

15. **Ms. Leinarte**, expressing concern that the expanded mandate and structure of the Ministry of Gender, Children and Social Protection appeared to have rendered the national machinery for the advancement of women's rights much less targeted and with fewer financial resources, asked whether any evaluation exercise had been conducted to assess its efficacy and whether the Government might consider re-establishing a more gender-equality-focused institution. She also sought assurances of the continuing existence of gender focal points and the availability of gender-disaggregated statistics.

16. **Ms. Lithur** (Ghana) said that the Constitutional Review Commission had not recommended an amendment of the definition of discrimination, as the current definition contained in article 17, paragraph 3, of the Constitution was considered to be sufficiently comprehensive. A comprehensive definition of discrimination against women, which, she believed, was in line with the Convention, had been incorporated in the affirmative action bill, which was indeed an updated version of the gender equality bill detailed in the previous periodic report. The bill's full title was the affirmative action (gender equality) bill of 2014. The property rights of spouses bill had not yet undergone a second reading in Parliament as certain clauses, including the section on cohabitation, required revision. A bill on intestate succession should be submitted for approval in 2015.

17. Legislative instruments would be needed to support the new laws, especially in the case of the property rights of spouses bill. However, such instruments were not a prerequisite for implementation; their purpose was purely elucidatory. In any case, the procedure for their adoption was both shorter and simpler than the procedure for the adoption of new laws. Once finalized by the Attorney General, legislative instruments were referred to the relevant parliamentary committee and could be passed into law 21 days later. The legislative instrument to support the law on disabilities was still in the drafting stage.

18. The different sources of law in Ghana, which included customary law, were clearly defined in article 11 of the Constitution. Any discrepancies between the different sources were harmonized through judicial precedents and the adoption of new laws, such as the bills currently in the pipeline. Queen mothers played a strategic role in traditional governance, especially in regulating and overseeing fertility, reproductive and gender issues. Their integration within the houses of chiefs constituted a major achievement from the

gender equality perspective and it was hoped that they would thenceforth assume an even more central role.

19. Under the 2014 constitutional amendment bill, the Ghana Legal Aid Scheme would enjoy the status of an independent constitutional body and thus be endowed with broader powers and greater human and financial resources. The Commission on Human Rights, which already enjoyed equivalent status, had a presence in all districts in all 10 regions of Ghana and was thus a key mechanism in ensuring access to justice.

20. **Ms. Opuku** (Ghana) said that a near exclusively gender-focused institution continued to exist within the government machinery – namely, the Department of Gender within the Ministry of Gender, Children and Social Protection. The Ministry's new structure and expanded mandate made it better placed to address women's issues across the social spectrum, and also intersectionally, in relation to disability, ageing and other criteria. Gender focal points, known as gender desk officers, were in place in all ministries, departments and agencies as well as at the local level and the Ministry continued to build the capacity of those officers with a view to mainstreaming gender perspectives and introducing gender-sensitive budgeting at all levels of government in all sectors. The Local Government Service evaluated the gender sensitivity of the various district plans and the findings of its assessments were used to determine eligibility for additional funding. The Ministry was also working with the Ghana Statistical Service to strengthen its relatively new statistical research unit and further the development of its gender-disaggregated database.

21. **Ms. Schulz** asked whether steps had been taken to mobilize domestic financial resources for national gender policies so as to reduce the State party's reliance on long-term foreign donor assistance.

22. **Ms. Šimonović** asked whether the Convention had been invoked by individuals or directly applied or referred to in court proceedings in the State party and whether steps had been taken to raise awareness among judges and lawyers of women's rights under the Convention and Optional Protocol.

23. **Ms. Lithur** (Ghana) said that Ghana was undergoing a prolonged period of economic growth and had been categorized as a lower-middle-income country. The Ministry of Women and Children's Affairs had started to plan for a reduction in long-term foreign donor assistance and had requested additional financial resources in order to guarantee the continuation of its medium- to long-term gender policies. Many of the Government's gender initiatives took into account women's rights under the Convention, including the Domestic Violence Act, and the Convention's provisions had been directly invoked before the courts, notably in divorce proceedings involving issues of spousal support and distribution of property. The Government intended to implement additional measures to increase the number of references to the Convention in future and to raise women's awareness of their additional rights under the Optional Protocol.

24. **Ms. Gabr** asked what measures had been taken to address the challenges that impeded women's participation in Parliament, district assemblies, administrative leadership positions and the judiciary. She also wished to know whether progress had been made on the adoption of the affirmative action bill (2012) and whether it contained specific provisions for the most disadvantaged groups of women, including rural and older women.

25. **Ms. Acar** asked the delegation to provide information on measures taken to combat violence against women who were believed to be witches and eliminate harmful, discriminatory practices such as widowhood rites, levirate and female genital mutilation. She wished to know what steps had been taken to expedite the implementation of the Domestic Violence Act and ensure women's access to justice, in particular in relation to barriers such as the absence of de facto legal assistance and medical treatment. In addition,

she requested further information regarding the challenges faced by the State party to effectively investigate, prosecute and impose sentences on perpetrators of domestic violence against women. She also enquired about the services provided by the Domestic Violence and Victim Support Unit and its human and financial resources. She noted with concern that there were only three State-funded shelters for victims of violence and that those shelters were not running for lack of funding. When would they become operational again? She called into question the reliance of the courts on reconciliation in cases of domestic violence, which was a cause for concern, and asked for data on such cases, including the number of repeat offences.

26. **Ms. Jahan** asked the delegation to provide information regarding the prevalence and causes of cross-border and internal trafficking in women and girls in the State party and the progress made in the implementation of the Human Trafficking Act, any obstacles to implementation and measures taken to overcome them. She also wished to know more about the relationship between the Human Trafficking Management Board and the Anti-Human-Trafficking Unit and their financial and human resources. She asked what measures had been taken to identify victims of trafficking, to protect them and to provide them with rehabilitation and reintegration services and whether steps had taken to establish referral systems for victims of trafficking. In addition, she asked the delegation to provide up-to-date information on the number of human trafficking cases investigated, alleged perpetrators prosecuted and sentences imposed. She requested further information on the prevalence of prostitution in the State party and the relevant legal framework and assistance available to women wishing to leave prostitution, including whether they had access to free medical treatment and rehabilitation programmes. Lastly, she wished to know what measures had been taken to prevent and combat the customary practice of *trokosi* (ritual servitude).

27. **Ms. Lithur** (Ghana) said that there was strong political will to combat negative gender stereotypes and harmful, customary practices against women and efforts had been made to gain the support of traditional authorities and village elders in order to eliminate such customs. The Government had criminalized a number of practices, such as female genital mutilation and *trokosi*, but significant time and resources would be required to change societal norms and bring the chieftaincy system's regulations into line with the Convention.

28. The amended Domestic Violence Act would be implemented by December 2014, following approval by Parliament. The Government had cooperated with national health-care providers to ensure that victims of domestic violence no longer had to pay for medical treatment, and the three shelters for victims of domestic violence should be operational by 2015.

29. Reconciliation was promoted under the Domestic Violence Act to reflect the legal pluralism and coexistence of various forms of marriage in Ghana. Traditional mediation processes were less adversarial than proceedings in formal courts. She cited a case in which a young woman from Accra had been bound in chains and taken to the north of the country to be forced into marriage by her father. She had then been rescued by the police and her father tried and convicted in a court of law. The victim had testified against her father at the trial and was currently ostracized by the family. The family considered that the convicted person had only been fulfilling his role as father and that the victim had brought dishonour on the family by refusing to marry. She was currently without a family — for Ghana, family meant everything — and could no longer rely on an NGO which had been giving her support, as it had run out of money. The social and cultural environment in Ghana had therefore underpinned the inclusion of avenues for reconciliation in the Domestic Violence Act provided that the parties agreed to mediation. Not all cases of domestic violence were eligible for mediation, but when there was the possibility of reconciliation in cases

involving lesser offences, reconciliation was recommended. Her delegation would provide data on cases that had been settled through reconciliation at a later date.

30. **Ms. Bob-Milliar** (Ghana) said that the Government had taken several measures in order to abolish the practice of accusing women of witchcraft and raise awareness about and close down so-called witch camps. It had recently removed 132 women from such camps and reintegrated them into their communities. Steps had been taken to provide victims with cash benefits through the Livelihood Empowerment against Poverty Programme (LEAP) and access to health care so as to facilitate their reintegration into society, and the Government had held consultations with various stakeholders in order to discuss how to permanently shut down the camps.

31. **Ms. Ayamba** (Ghana) said that women and girls in the north-east of the country continued to be subjected to female genital mutilation and families continued to flout Ghanaian legislation and take their daughters across the border to Togo and Burkina Faso to have the procedure performed. The Government took the issue very seriously and, in addition to adopting legislation prohibiting the practice, had held numerous conferences with NGOs and women's groups to mobilize resources and conducted regular awareness-raising training sessions with women and girls in the affected areas. The Government remained equally committed to combating other customary, harmful practices against women and had taken steps to eradicate traditional widowhood rites and levirate.

32. The *kayayei* — or female head porters — were generally girls and women aged between 8 and the mid-30s. Most travelled from the three northern regions to the south in search of work because of poverty and lack of education, but some were fleeing traditional practices such as female genital mutilation and early marriage. They lived in very poor conditions, often sleeping outside, and were very vulnerable to rape, teenage pregnancy and forced marriage. The Government was making efforts to improve their situation, starting by gathering first-hand information on their living conditions. One of the suggestions was that they should be provided with skills training back home, for example to make shea butter, for which there was already an established market. They could also receive support under the LEAP programme to return to school.

33. Trafficking was a major problem and was often difficult to address because the children were told that they were being taken away by a relative to go to school, but in fact ended up working on a farm, in the mines or at sea. The Government was taking a strong stance against the practice, which served as a deterrent to other would-be traffickers.

34. **Ms. Lithur** (Ghana) said that there were 112 district courts, 49 circuit courts and 30 high courts in the country. The Human Trafficking Act and its definition of trafficking were in conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Ghana was continuing its efforts to secure funding from the international community to ensure adequate staffing for the Human Trafficking Secretariat. The Management Board was an inter-agency coordinating body and worked very closely with the Anti-Human-Trafficking Unit. A database on trafficking had been set up to rectify the problem of a lack of disaggregated data in that area. One of the obstacles to prosecution and conviction was that at many points of origin and destination, people did not consider trafficking to be a crime. In many coastal communities, for example, young children who were good swimmers were given up by their parents and sold to fishermen to work on the rivers and lakes. The Anti-Human-Trafficking Unit was now turning its attention to engaging with communities, creating awareness that such practices were a crime and strengthening cooperation with local police. In partnership with an NGO, efforts were also under way to establish a shelter and rehabilitation centre for rescued victims of trafficking.

35. **Ms. Acar**, referring to the use of reconciliation in cases involving forced marriage, said that there was a need to adopt a new perspective on reconciliation and refrain from using it in cases of violence. Noting that reconciliation was practised provided that both parties agreed to mediation, she pointed out that the parties were not always in an equal position to agree or disagree. Victims, for example, were not in a position to bargain.

36. **Ms. Simonović** said that she would welcome additional information on the number of women living in the camps for women accused of witchcraft, the remedies available to them and who ran the camps. How was the Government addressing their situation?

37. **Ms. Jahan** asked how many prostitutes who had left the profession had taken advantage of available social schemes and loan programmes, whether the Government encouraged victims of trafficking to assist in the investigation and prosecution of traffickers and whether witness protection was provided for.

38. **Ms. Lithur** (Ghana) said that the affirmative action bill did refer to quotas and provided that the Government should ensure that not less than 40 per cent of appointments to positions of authority and decision-making were women. At the local level, for the first time there was an obligation for at least one of the mayoral candidates put forward to be a woman, and half of the 30 per cent of appointed district assembly members must be women.

39. With regard to women accused of being witches, the camps were places of refuge for those women, who were fleeing communities where they had been ostracized. Women even travelled from neighbouring countries to stay in the camps. One or two of the camps had been set up by the Presbyterian Church. The number of women in the six camps ranged from 3 to 273. In a recent case, a traditional leader who had asked a woman to leave the village on the grounds that she had bewitched a young girl had been prosecuted. Together with civil society, the Ministry of Chieftaincy and Traditional Affairs was working to address the problem with local chiefs, who were the gatekeepers of tradition on that issue. Progress was being made in reintegrating women into their communities and the possibility of closing down some of the camps was being considered.

40. Witness protection was available, especially for victims of human trafficking. While cases were being investigated and prosecuted, victims were provided with support including shelter, food and security, and they assisted in investigations. Communities identified as vulnerable to trafficking were included in social protection programmes and provided with cash transfers.

Articles 7 to 9

41. **Ms. Zou** Xiaoqiao said that, although a number of women had been appointed to high-level posts, in general, the proportion of women in Parliament and the judiciary remained inadequate and there was a big gap between the real figures and the 40 per cent target. She asked what the main obstacles to greater participation of women were and what measures had already been adopted to reach the targets. For example, were there campaigns to raise awareness among traditional and religious leaders of the importance of women's participation in political and public life? She asked whether progress was being made towards achieving the target of 50 per cent of female members for the National Peace Council and about the current composition and functions of that body. Were measures in place to encourage political parties to fix a quota for women in parliamentary elections?

42. **Ms. Gabr** asked whether any progress had been made since the last review in relation to the possibility of women passing on nationality to their spouse.

43. **Ms. Lithur** (Ghana) said that under the constitutional amendment bill currently before Parliament nationality could be transmitted by either spouse. With regard to women's participation in political life, the State acknowledged that the number of women

in Parliament was low, and one of the main reasons for that was that the political system in Ghana involved first-past-the-post elections, which were very competitive and focused on winnable candidates rather than ensuring gender balance. Unfortunately, a proposal to review the system by introducing quotas had not been accepted during the adoption of the Constitution in 1992. Since then, the affirmative action bill had been drafted with a provision requiring political parties to adopt a 40 percent quota. The enforcement of that provision had been strongly supported by civil society, which conducted vibrant campaigns to promote women's participation, including drawing up a list of female politicians who could be appointed as cabinet ministers. Although the campaigns had not yet resulted in an increase in numbers, they had led to greater awareness and deeper understanding. Other major obstacles included a lack of literacy and education and the traditional role of women.

44. **Ms. Kusi** (Ghana) said that many women failed to be elected to Parliament because of a lack of financial resources to fund their campaigns. As the number of seats in Parliament had been increased, the proportion of female parliamentarians had fallen, and now stood at 10.9 per cent. A number of NGOs provided funding to aspiring female members of Parliament and campaigned for qualified women to stand for election.

45. **Ms. Lithur** (Ghana) said that 4 per cent of all women aged between 15 and 49 had undergone female genital mutilation, although that figure was 41 per cent in one region. The vast majority of women were in favour of discontinuing the practice. The National Peace Council was one of the State bodies that were doing well in integrating women. At a recent workshop, the Council, the Department of Gender and other stakeholders had worked together on implementing the plan of action on Security Council resolution 1325 (2000).

Articles 10 to 14

46. **Ms. Haidar** commended Ghana on the progress made on temporary special measures in the field of education. She wondered how the State party intended to address the huge gap between urban and rural areas in terms of educational infrastructure, access to schools and sanitation and the increasing marginalization of girls from the poorest families. She expressed concern about the privatization of education, which appeared to be creating a growing divide, and asked who was responsible for quality control and guaranteeing consistency of school curricula throughout private and public systems. She also expressed concern at the alarmingly high rate of teenage pregnancy and wondered whether it might not prompt the authorities to introduce reproductive health and sexual education at an earlier stage. She would be interested to know what percentage of the national budget did the State party intend to allocate to education and its position on making schools more accessible for children with disabilities.

47. **Mr. Bruun** said that the problem of a lack of monitoring mechanisms and enforcement of legislation in the field of employment persisted. He also expressed concern with the low number of complaints of violations of women's rights filed with the Commission on Human Rights and Administrative Justice. Although there were many individual projects to address problems related to women's employment, there did not seem to be any comprehensive policy in place to consistently promote the position of women in employment. Noting that the provisions on sexual harassment in the Labour Act did not cover hostile work environments, he wondered what the Government intended to do to address that issue. He also expressed concerns over child labour and the situation of domestic workers and asked whether the State party planned to ratify the International Labour Organization Domestic Workers Convention (No. 189). He would also be interested to hear about efforts to improve basic safety for women working in markets.

48. **Ms. Nwankwo** said that, although the maternal mortality rate had consistently declined, much remained to be done to meet the relevant Millennium Development Goal

target by 2015. She expressed concern that many abortions were still unsafe and resulted in a high rate of hospital admissions and deaths. There appeared to be a lack of awareness about the law on abortion and cultural, religious and traditional stigmas were still attached to abortion. What was the Government doing to ensure that such stigmas were removed? She would appreciate information on mechanisms to ensure widespread dissemination of information on reproductive health and family planning and how the Government was addressing the urgent need for contraception, particularly in rural areas and among poor women. She asked about the challenges faced by the national health insurance scheme, including a lack of funding and delayed reimbursement of claims.

49. **Ms. Bareiro-Bobadilla** stressed the importance of ensuring women's financial independence in order to achieve substantive equality. It was important that women had access to larger loans as well as microcredit. She would welcome additional information on women's access to property, including the proportion of female homeowners and landowners in rural and urban areas. She also wished to hear more about widows who, in practice, were often expelled from the marital home on the death of their husbands and on access to social security, pensions and family benefits.

The meeting rose at 1 p.m.